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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ΓA	TORNEY DOCKET NO.
09/851,622	05/08/01	HAG		E 4	4176.00033
_		MMC2/1011	$\neg$	EXAMINER	
SOCKOL, MARC				LE.D	
SQUIRE, SANDERS & DEMPSEY 600 HANSEN WAY				ART UNIT	PAPER NUMBER
PALO ALTO CA	., ,		·	2816	

**DATE MAILED:** 10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

4a) Claim(s) 1-27 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) 1-27 is/are rejected.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Ittachment(s)**  16 Notice of References Cited (PTO-992)  17 Notice of Informal Patent Application (PTO-152)  18 Notice of Informal Patent Application (PTO-152)  19 Notice of Informal Patent Application (PTO-152)  20 Notice of Informal Patent Application (PTO-152)	, ,	Apı	plicati n No.	Applicant(s)	
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The MAILING DATE of this communication appears on the cover shield with the correspondince address—related for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.78(a). In one event, however, may a raply be timely filled because the provisions of 37 CPR 1.78(a). In one event, however, may a raply be timely filled because the provisions of 37 CPR 1.78(a). In one event, however, may a raply be timely filled because the provisions of 37 CPR 1.78(a). In one event, however, may a raply be timely filled because the provisions of 37 CPR 1.78(a). In the princip for exply application shown is been than the fill of 37 CPR 1.78(a). It is provided to the communication of this provision of the provision	Offic Action Sumn	nary Exa	aminer	Art Unit	
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anter SX (6) MONTHS from the mailing date of this communication.  If the period to prey specified shoes has then thin (X0) days, a reply within the actual row py specified shoes has then thin (X0) days, a reply within the actual row py specified shoes have the thin (X0) days, a reply within the actual row py should be seen that the nine mailing date of the communication.  Falue to reply within the set or extended period for reply will by statistic, cause the application to become ABANDONED GS U.S.C. § 133).  Any reply received by the Cfficia set than three meaning and the thin ambling date of this communication, even if timely filed, may reduce any standard patient therm deplement. See 37 CFR 1.794(b).  This action is FINAL.  2b) This action is FINAL.  2b) This action is FINAL.  2b) This action is FINAL.  2c) This action is FINAL.  2d) Claim(s) 1-2Z is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5b) Claim(s) 1-2Z is/are rejected.  7c) Claim(s) is/are allowed.  6b) Claim(s) is/are objected to.  8c) Claim(s) is/are objected to by the Examiner.  2d) The proposed drawing or request that any objection to the drawing(s) beheld in abeyance. See 37 CFR 1.85(a).  11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  2riority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3	A SHORTENED STATUTORY PE THE MAILING DATE OF THIS CO	MMUNICATION.			
1)	after SIX (6) MONTHS from the mailing date of the period for reply specified above is less to If NO period for reply is specified above, the refailure to reply within the set or extended per Any reply received by the Office later than three amed patent term adjustment. See 37 CFR	of this communication. han thirty (30) days, a reply within naximum statutory period will app iod for reply will, by statute, cause se months after the mailing date o	the statutory minimum of the statutory minimum of the land will expire SIX (6) Me the application to become	hirty (30) days will be considered timely. DNTHS from the mailing date of this communic ABANDONED (35 U.S.C. § 133).	ation.
2a)  This action is FINAL. 2b) This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-27 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s) 1-27 is/are rejected.  7)  Claim(s)  is/are allowed.  6) Claim(s) 1-27 is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  11  If approved, corrected drawings are required in reply to this Office action.  12  The oath or declaration is objected to by the Examiner.  21  Priority under 35 U.S.C. § 119 and 120  13  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3  Acknowledgment is made of a claim for foreign priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  18  Notice of References Cited (PTO-892)  10  Notice of References Cited (PTO-892)  11  Interview summary (PTO-413) Paper No(a).  12  Interview at Trademak		tion(s) filed on			
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**DETAILED ACTION** 

Oath/Declaration

The declaration is acceptable.

**Drawings** 

The drawings are approved.

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections

Claim Rejections - 35 USC § 112

Claims 1-19 and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 1, it is unclear what the "known previous logical state" is and how the differential amplifier can detect a transition in the incoming signal relative to the known previous logic state and how this limitation is read on the preferred embodiment or seen on the drawings. The same is true for claims 11 and 19.

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In claim 2, it is unclear how the result can drive an output signal. The same is true for claims 4-5, 13-14

In claim 11, it is unclear how the controller can coupled the first result to the output terminal and how this limitation is read on the preferred embodiment or seen on the drawings.

The same is true for claim 19.

In claim 6, it is unclear how the reference can be "synchronous" with the "incoming signal" since they are not from a synchronous source. The same is true for claim 15

In claim 23, the recitation "the comparator" on line 6 and "the other comparator" on line 8 lacks antecedent basis.

The remaining claims are dependent from the above rejected claims and therefore also considered indefinite.

## **Double Patenting**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,160,423. Although the

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conflicting claims are not identical, they are not patentably distinct from each other because both inventions disclose a circuit comprising:

- a first comparator.
- A second comparator
- A first controller and a second controller.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6-8 are rejected under 35 USC 102 (e) as being anticipated

Dumas (US Pat. 6,122,331). Figure 6 of Dumas discloses a detection circuit comprising an amplifier (55).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dinh Le whose telephone number is (703) 305-3790. The examiner can normally be reached on Monday to Friday from 7:00 A.M.to 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7725.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DINH LE

**Primary Examiner** 

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October 04, 2001